

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-04024-JMF

State Of New York et al v. United States Department of the Treasury et al
Assigned to: Judge Jesse M. Furman
Cause: 05:552 Freedom of Information Act

Date Filed: 05/06/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

State Of New York

by Letitia James, Attorney General of the State of New York

represented by **Catherine Suvari**
NYS Office of The Attorney General
28 Liberty Street
New York, NY 10005
212-416-6172
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ATTORNEY TO BE NOTICED

Plaintiff

State of New Jersey

by Gurbir S. Grewal, Attorney General of the State of New Jersey

represented by **Glenn Moramarco**
Office of the New Jersey Attorney General
25 Market Street
First Floor
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609-376-3235
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of the Treasury

represented by **Dominika Natalia Tarczynska**
United States Attorney's Office
Southern District Of New York
86 Chambers Street, Third Floor
New York, NY 10007
(212) 637-2748
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Defendant

Internal Revenue Service

represented by **Dominika Natalia Tarczynska**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/06/2019	<u>1</u>	FILING ERROR – DEFICIENT PLEADING – SIGNATURE ERROR – COMPLAINT against Department of the Treasury, Internal Revenue Service. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16826398) Document filed by State Of New York.(Suvari, Catherine) Modified on 5/7/2019 (jgo). (Entered: 05/06/2019)
05/06/2019	<u>2</u>	FILING ERROR – PDF ERROR – CIVIL COVER SHEET filed. (Suvari, Catherine) Modified on 5/7/2019 (jgo). (Entered: 05/06/2019)

05/06/2019	<u>3</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of the Treasury, re: <u>1</u> Complaint. Document filed by State Of New York. (Suvari, Catherine) Modified on 5/7/2019 (jgo). (Entered: 05/06/2019)
05/06/2019	<u>4</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to Internal Revenue Service, re: <u>1</u> Complaint. Document filed by State Of New York. (Suvari, Catherine) Modified on 5/7/2019 (jgo). (Entered: 05/06/2019)
05/07/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Catherine Suvari to RE-FILE Document No. <u>1</u> Complaint. The filing is deficient for the following reason(s): the pleading was not signed by the filing attorney.; Re-file the pleading using the event type Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (jgo) (Entered: 05/07/2019)
05/07/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Catherine Suvari to RE-FILE Document No. <u>2</u> Civil Cover Sheet. The filing is deficient for the following reason(s): Jury Demand code – no selection;. Re-file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at http://nysd.uscourts.gov/file/forms/civil-cover-sheet.. (jgo) (Entered: 05/07/2019)
05/07/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Catherine Suvari. The party information for the following party/parties has been modified: State Of New York; State of New Jersey; United States Department of the Treasury. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party text was omitted;. (jgo) (Entered: 05/07/2019)
05/07/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Jesse M. Furman. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (jgo) (Entered: 05/07/2019)
05/07/2019		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (jgo) (Entered: 05/07/2019)
05/07/2019		Case Designated ECF. (jgo) (Entered: 05/07/2019)
05/07/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Catherine Suvari to RE-FILE Document No. <u>4</u> Request for Issuance of Summons, <u>3</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): party name on 'as to' docket entry text does not exactly match initial pleading caption (Doc. 3); the PDF 'To' section must first name the actual party in the case followed by 'care of c/o' or 'via' for second named parties;. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (jgo) (Entered: 05/07/2019)
05/07/2019	<u>5</u>	COMPLAINT against Internal Revenue Service, United States Department of the Treasury. Document filed by State Of New York.(Suvari, Catherine) (Entered: 05/07/2019)
05/07/2019	<u>6</u>	CIVIL COVER SHEET filed. (Suvari, Catherine) (Entered: 05/07/2019)

05/07/2019	<u>7</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST PDF ERROR – REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of the Treasury, re: <u>5</u> Complaint. Document filed by State Of New York. (Suvari, Catherine) Modified on 5/8/2019 (dnh). (Entered: 05/07/2019)
05/07/2019	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to The Internal Revenue Service, re: <u>5</u> Complaint. Document filed by State Of New York. (Suvari, Catherine) (Entered: 05/07/2019)
05/08/2019	<u>9</u>	ORDER: It is hereby ORDERED that no later than two weeks from the date of this Order, the parties shall submit a joint letter not to exceed two pages indicating whether there is any need for discovery or an initial conference in this case. If there is no such need, the parties should include in their letter a proposed briefing schedule for any motions, including motions for summary judgment. (Signed by Judge Jesse M. Furman on 5/8/2019) (ne) (Entered: 05/08/2019)
05/08/2019	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Internal Revenue Service. (dnh) (Entered: 05/08/2019)
05/08/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Catherine Suvari to RE–FILE Document No. <u>7</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; the defendant name listed in to 'To:' section does not exactly match the party of record. Do not use abbreviations in the party name. Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (dnh) (Entered: 05/08/2019)
05/08/2019	<u>11</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of the Treasury, re: <u>5</u> Complaint. Document filed by State Of New York. (Suvari, Catherine) (Entered: 05/08/2019)
05/09/2019	<u>12</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of the Treasury. (dnh) (Entered: 05/09/2019)
05/10/2019	<u>13</u>	AFFIDAVIT OF SERVICE of Complaint with Summons and Order dated May 8 2019 served on United States Department of the Treasury and Internal Revenue Service on 05/10/19. Service was made by Mail. Document filed by State Of New York. (Suvari, Catherine) (Entered: 05/10/2019)
05/10/2019	<u>14</u>	AFFIDAVIT OF SERVICE of Complaint with Summons and Order dated May 8 2019 served on United States Department of the Treasury and Internal Revenue Service on 05/10/19. Service was accepted by Haojun Li, Civil Clerk United States Attorney's Office, 86 Chambers Street, NY, NY. Document filed by State Of New York. (Suvari, Catherine) (Entered: 05/10/2019)
05/13/2019	<u>15</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Glenn J Moramarco to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–16873840. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by State of New Jersey. (Attachments: # <u>1</u> Exhibit certificate of good standing)(Moramarco, Glenn) Modified on 5/14/2019 (wb). (Entered: 05/13/2019)
05/14/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>15</u> MOTION for Glenn J Moramarco to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–16873840. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Proposed Order; Pursuant to Rule 1.3, the Attorney Affidavit missing the language of disciplinary.;. Re–file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (wb) (Entered: 05/14/2019)
05/15/2019	<u>16</u>	MOTION for Glenn Moramarco to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by State of New Jersey. (Attachments: # <u>1</u> Exhibit certificate of good standing, # <u>2</u> Affidavit, # <u>3</u> Text

		of Proposed Order)(Moramarco, Glenn) (Entered: 05/15/2019)
05/15/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>16</u> MOTION for Glenn Moramarco to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ma) (Entered: 05/15/2019)
05/15/2019	17	ORDER granting <u>16</u> Motion for Glenn Moramarco to Appear Pro Hac Vice (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 05/15/2019)
05/22/2019	<u>18</u>	JOINT LETTER addressed to Judge Jesse M. Furman from Catherine Suvari dated May 22, 2019 re: May 8, 2019 Order of the Court. Document filed by State Of New York.(Suvari, Catherine) (Entered: 05/22/2019)
05/22/2019	<u>19</u>	SCHEUDLING ORDER: Having reviewed the parties' joint letter of May 22, 2019, it is hereby ORDERED that Plaintiffs shall file any motion for summary judgment by July 15, 2019. Defendants shall file their opposition by August 5, 2019. Any reply shall be filed by August 12, 2019. At the time any reply is filed, Plaintiffs shall supply the Court with one courtesy hard copy of all motion papers by mailing or delivering them to the United States Courthouse, 40 Centre Street, New York, New York. The parties are directed to submit a joint letter by June 28, 2019, updating the Court on the status of Defendants' productions, the likelihood of a stipulated resolution, and their joint or, if necessary, respective positions as to whether the summary judgment briefing schedule should be modified. Motions due by 7/15/2019. Responses due by 8/5/2019 Replies due by 8/12/2019. (Signed by Judge Jesse M. Furman on 5/22/2019) (ne) (Entered: 05/22/2019)
06/11/2019	<u>20</u>	ANSWER to <u>5</u> Complaint. Document filed by Internal Revenue Service, United States Department of the Treasury.(Tarczynska, Dominika) (Entered: 06/11/2019)
06/27/2019	<u>21</u>	JOINT LETTER addressed to Judge Jesse M. Furman from Catherine Suvari dated June 27, 2019 re: Scheduling Order dated May 22, 2019. Document filed by State Of New York.(Suvari, Catherine) (Entered: 06/27/2019)
06/28/2019	22	ORDER re: <u>21</u> Letter filed by State Of New York. Having reviewed the parties' joint letter, the Court will grant one more extension of the summary judgment briefing deadlines. Plaintiffs shall file any motion for summary judgment by July 29, 2019. Defendants shall file their opposition by August 19, 2019. Any reply shall be filed by August 26, 2019. The parties are directed to confer immediately after July 19, 2019 -- that is, after the IRS and Treasury Department have proposed a production schedule -- in an effort to reach agreement. In the event of any agreement narrowing or resolving Plaintiffs' claims, the parties shall advise the Court by joint letter. Unless the parties are able to reach agreement resolving all of Plaintiffs' claims, summary-judgment briefing shall proceed on any remaining claims without further delay. SO ORDERED. (Signed by Judge Jesse M. Furman on 6/28/2019) (Text Only Order)(Furman, Jesse) (Entered: 06/28/2019)
07/29/2019	<u>23</u>	MOTION for Summary Judgment . Document filed by State Of New York. Responses due by 8/19/2019(Suvari, Catherine) (Entered: 07/29/2019)
07/29/2019	<u>24</u>	MEMORANDUM OF LAW in Support re: <u>23</u> MOTION for Summary Judgment .. Document filed by State Of New York. (Suvari, Catherine) (Entered: 07/29/2019)
07/29/2019	<u>25</u>	DECLARATION of Catherine Suvari in Support re: <u>23</u> MOTION for Summary Judgment .. Document filed by State Of New York. (Suvari, Catherine) (Entered: 07/29/2019)
07/29/2019	<u>26</u>	RULE 56.1 STATEMENT. Document filed by State Of New York. (Suvari, Catherine) (Entered: 07/29/2019)
08/19/2019	<u>27</u>	MEMORANDUM OF LAW in Opposition re: <u>23</u> MOTION for Summary Judgment .. Document filed by Internal Revenue Service, United States Department of the Treasury. (Tarczynska, Dominika) (Entered: 08/19/2019)
08/19/2019	<u>28</u>	DECLARATION of Julie C. Schwartz in Opposition re: <u>23</u> MOTION for Summary Judgment .. Document filed by Internal Revenue Service. (Tarczynska, Dominika) (Entered: 08/19/2019)

08/19/2019	<u>29</u>	DECLARATION of Ryan Law in Opposition re: <u>23</u> MOTION for Summary Judgment .. Document filed by United States Department of the Treasury. (Attachments: # <u>1</u> Exhibit A)(Tarczynska, Dominika) (Entered: 08/19/2019)
08/26/2019	<u>30</u>	REPLY MEMORANDUM OF LAW in Support re: <u>23</u> MOTION for Summary Judgment .. Document filed by State Of New York. (Suvari, Catherine) (Entered: 08/26/2019)
08/26/2019	<u>31</u>	DECLARATION of James Sheehan in Support re: <u>23</u> MOTION for Summary Judgment .. Document filed by State Of New York. (Suvari, Catherine) (Entered: 08/26/2019)
10/07/2019	<u>32</u>	LETTER addressed to Judge Jesse M. Furman from Catherine Suvari dated 10/7/2019 re: Notice of Proposed Regulation. Document filed by State Of New York.(Suvari, Catherine) (Entered: 10/07/2019)
10/07/2019	<u>33</u>	MEMO ENDORSEMENT on re: <u>32</u> Letter filed by State Of New York. ENDORSEMENT: No later than October 11, 2019, Defendants shall file a letter advising the Court of its position regarding what effect, if any, the rule-making has on the claims in this action. (Signed by Judge Jesse M. Furman on 10/7/2019) (cf) (Entered: 10/07/2019)
10/11/2019	<u>34</u>	LETTER addressed to Judge Jesse M. Furman from Dominika Tarczynska dated October 11, 2019 re: September 10, 2019 Notice of Proposed Rulemaking. Document filed by Internal Revenue Service, United States Department of the Treasury.(Tarczynska, Dominika) (Entered: 10/11/2019)
11/22/2019	<u>35</u>	ORDER, The parties shall appear for a conference with the Court on December 11, 2019, at 10:00 a.m., in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, NY 10007. Further, no later than December 3, 2019, the parties shall meet and confer in person for at least one hour to discuss a possible production schedule and to discuss other options for expediting Defendants' review and production, including but not limited to (1) narrowing Plaintiffs' requests; (2) agreeing to forego or delay agency review of certain categories of documents most likely to be exempt from production; and (3) identification of information or materials that Plaintiffs are most interested in for more immediate review. Finally, no later than December 5, 2019, the parties shall file a letter informing the Court of their positions on these issues and the status of Defendants' production as of that date. SO ORDERED. (Status Conference set for 12/11/2019 at 10:00 AM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 11/22/19) (yv) (Entered: 11/22/2019)
11/25/2019	<u>36</u>	CONSENT LETTER MOTION to Adjourn Conference addressed to Judge Jesse M. Furman from Dominika Tarczynska dated November 25, 2019. Document filed by Internal Revenue Service, United States Department of the Treasury.(Tarczynska, Dominika) (Entered: 11/25/2019)
11/26/2019	<u>37</u>	ORDER granting <u>36</u> CONSENT LETTER MOTION to Adjourn Conference. Application GRANTED. The conference originally scheduled for December 11, 2019, is hereby rescheduled to Friday, December 13, 2019, at 10:00 a.m. The Clerk of Court is directed to terminate ECF No. 36. SO ORDERED. (Status Conference set for 12/13/2019 at 10:00 AM before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 11/26/2019) (jca) (Entered: 11/26/2019)